

REMARKS

This Application has been carefully reviewed in light of the Official Action issued April 24, 2007. Claims 1-20 are pending in this Application. In order to advance prosecution of this Application, Claims 9-12 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Izawa, et al. in view of Humphrey. Independent Claims 9-12 recite in general a single packet comprising a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section, wherein the first header section comprises a First Service Type field and the second header section comprises a Second Service Type field, and wherein the first and second payload sections carry data having different service types as identified by the First and Second Service Type fields. By contrast, the Izawa, et al. patent merely shows that the header, payload, and trailer sections of an L3-PDU can be placed into the payload of multiple L2-PDUs. Thus, an individual L3-PDU encapsulates a single header section, a single payload section, and a trailer section. Similarly, an individual L2-PDU encapsulates a single header section, a single payload section, and a trailer section. Thus, the Izawa, et al. patent fails to disclose an individual packet data unit, either a L3-PDU or a L2-PDU, that encapsulates all of a first header section, an associated first payload section, a second header section, an associated second payload section, and a trailer section as required by the packet of the claimed invention. To offset the deficiencies of the Izawa, et al. patent, the Examiner cites

the Humphrey patent for its inclusion of a plurality of AAL2 minicells within a super frame. However, both the Izawa, et al. and Humphrey patents place data of the same type into their respective packets/frames. Neither the Izawa, et al. nor the Humphrey patents place data of different service types into the same packet as required by the claimed invention. Support for the above recitation can be found at page 1, lines 27-29, and page 15, lines 15-26, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 9-12 are patentably distinct from the proposed Izawa, et al. - Humphrey combination.

Applicant notes with appreciation the allowance of Claims 1-8 and 13-20. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

CONCLUSION

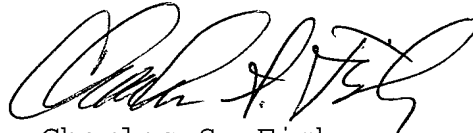
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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